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08 SEP 10 PM 2:31

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 Thomas Daniel Strow
2 M CSP CDCR# V47104
3 PO Box 409060
4 Lone, CA 95640
5 (In Pro Per)

6
7 IN THE UNITED STATES DISTRICT COURT FOR THE
8 NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIV

9 THOMAS DANIEL STROW

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CASE No. 08-0629 CRB (PR)

MOTION FOR EXTENSION OF
TIME TO FILE TRAVERSE

V.

M. MARTEL, Warden,

Respondent,

TO: THE HONORABLE COURT IN THE ABOVE ENTITLED CAUSE

PLEASE TAKE NOTICE: That as soon as this matter may be heard by the Court, the above named petitioner will move for an Extension of Time. For the reasons stated in the accompanying declaration, petitioner hereby requests a sixty day extension of time, to and including November 24, 2008 within which to file a traverse as required by this Courts Order Extending Time Within Which to File Answer Filed August 4, 2008

This motion is based on all the records and files listed under the above mentioned case number, and the attached declaration of the defendant.

DATE: September 4, 2008

RESPECTFULLY SUBMITTED,

Thomas D. Strow

DECLARATION OF petitioner supporting motion for extension of time

I, Thomas Daniel Straw, hereby declare:

That I am the petitioner in this case in need of an extension of time to file traverse in response to the Deputy Attorney General's Answer filed August 26, 2008, to which petitioner has been directed to file and serve within 30 days of an service of answer or otherwise responsive pleading. I request a sixty-day extension of time to and including November 24, 2008 in which to file my traverse. This is the first extension of time request I have made.

I assert that I am not trained in law, and am confined in state prison, and have limited access to the law library for purposes of researching law and preparing my traverse. I will thus need the extension of time to facilitate the legal research and preparation necessary for filing and service of the traverse.

Accordingly, I request an extension of 60 days, up to and including November 24, 2008 to prepare and file the traverse in this case.

VERIFICATION

I am the petitioner in the above cause of action, have read the statements herein, and declare under penalty of perjury that upon information and belief these statements are true and correct.

DATED: September 4, 2008

RESPECTFULLY SUBMITTED,

Thomas D. Straw

DECLARATION OF SERVICE BY MAIL

Case Name Thomas Daniel Straw v M. Martel, Warden

Case No. C08-0629 CRB (PR)

I, Thomas D. Straw, am a resident of the State of California, Mule Creek State Prison (M.C.S.P.) at Lone, California, County of Amador, and I am at least 18 years of age and am a party to the within action. My mailing address is: P. O. Box 409060, Lone, California, 95640-9060.

On, September 4, 2008, I served a true and correct copy of the following documents:

Motion For Extension of Time to File Traverse

on each party listed below, by placing it in a sealed envelope with adequate postage or provided, and depositing said envelope in the institutional mail box, or turned said envelope in to custodial personnel for the United States Mail at Mule Creek State Prison, P. O. Box 409060, Lone, California, 95640-9060. Each party to the action has been duly served.

This copy is being mailed to:

Office of the Clerk, U.S. Dist. Ct.
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

I have mailed additional copies to:

Department of Justice
Office of the Atty. Gen.
455 Golden Gate Ave. Ste 1000
San Francisco, CA 94102-3664

There is regular service by the United States Mail between the above place of mailing and the parties listed.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed this 4 day of September, 2008 at Lone, California.

Name (Signature): Thomas D. Straw

CDCR No. V47104

D. Strow v
McSP-C-15-

~~One CA 409060~~
P.O. Box 409060
Tone, CA 95640

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RICHARD W. WIEKING
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NORTHERN DISTRICT OF CALIFORNIA

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Northern District of California
450 Golden Gate Ave.
San Francisco, CA 94102

c/o Juel

9/4/08